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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

BRIAN KENNER,
Plaintiff,
vs.
BITTERROOT TIMBER FRAMES,
LLC, THREE MILE CREEK POST &
BEAM, LLC, BRETT MAURI, an
individual, and JOHN DOES 1-10,
Defendants.

Cause No. CV-21-16-M-DLC

**AFFIDAVIT OF
ATTORNEY'S FEES AND
COSTS**

STATE OF MONTANA)
:ss
County of MISSOULA)

Rufus I. Peace, being first duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of Montana.

2. I have at all times during the above-referenced proceeding, represented Plaintiff Brian Kenner.
3. I billed at the reasonable rate of \$180.00 per hour as an associate attorney.
4. During the representation, Attorney Aaron M. Neilson, a Partner in my law firm performed work in the above-referenced proceeding.
5. Attorney Aaron M. Neilson bills at the reasonable rate of \$250.00 per hour.
6. Jane Rasmussen and Melissa Lentz, paralegals employed by our firm, bill at the reasonable rate of \$125.00 per hour.
7. Plaintiff has incurred attorney's fees and costs to date as follows:

FEES

Date	Activity	Time	Value	Timekeeper
11/2/2020	Meeting with client to discuss potential claim.	1.0	180.00	RIP
11/5/2020	Review documents received from client; email exchange with client regarding same.	1.2	216.00	RIP
11/6/2020	Review additional materials provided by client.	0.7	126.00	RIP
11/10/2020	Draft demand letter; email correspondence with client and attorney Aaron Neilson regarding same.	1.4	252.00	RIP
11/11/2020	Review and revise the demand letter; email correspondence with attorney Rufus Peace regarding same.	0.6	150.00	AMN
11/18/2020	Telephone conference with new contractor regarding site conditions, email exchange with client regarding same.	0.5	90.00	RIP

11/23/2020	Prepare letter to send to Bitterroot Timber Frames via regular and certified mail.	0.1	12.50	JR
11/23/2020	Edit and revise demand letter; email correspondence with client regarding same.	1.1	198.00	RIP
12/3/2020	Email exchange with client regarding site visit.	0.3	54.00	RIP
12/7/2020	Email exchange with client; reviewed file.	0.3	54.00	RIP
12/9/2020	Site visit to Brian's home.	2.0	360.00	RIP
12/11/2020	Email exchange with client regarding wood; phone call with Brett Mauri regarding same.	0.3	54.00	RIP
12/14/2020	Email exchange with new contractor and client; attempt phone call to Brett Mauri.	0.2	36.00	RIP
12/15/2020	Telephone call with Brett Mauri to discuss wood; email exchange with new contractor regarding telephone call with Brett and meeting.	0.3	54.00	RIP
12/17/2020	Email exchange with Ed regarding upcoming meeting.	0.2	36.00	RIP
12/18/2020	Attempt multiple calls to Brett Mauri with no response; email correspondence with client and new contractor regarding case status.	0.3	54.00	RIP
1/7/2021	Begin to draft Complaint and Demand for Jury Trial.	1.9	342.00	RIP
1/8/2021	Complete initial draft of complaint and make revisions to same; email correspondence with client regarding same.	1.5	270.00	RIP
1/11/2021	Review correspondence from client regarding complaint; make additional revision to complaint.	0.2	36.00	RIP
1/21/2021	Email correspondence and telephone call with client regarding case status.	0.3	54.00	RIP

1/22/2021	Telephone call with client regarding status of case and strategy.	0.3	54.00	RIP
1/22/2021	Phone call with client and review of photographs provided by client.	0.4	72.00	RIP
1/29/2021	Revise complaint and accompanying exhibits and prepare same for filing.	1.2	216.00	RIP
1/29/2021	Edit and revise draft Complaint to prepare for filing in federal court.	0.3	37.50	JR
2/1/2021	Review Secretary of State information regarding Three Mile Creek Post and Beam and Bitterroot Timberframes.	0.2	25.00	JR
2/1/2021	Meeting with attorney Aaron Nielson regarding review and revision of complaint.	0.8	144.00	RIP
2/1/2021	Begin reviewing draft complaint; make certain hand-written edits; meeting with attorney Rufus Peace regarding same.	1.0	250.00	AMN
2/2/2021	Meeting with attorney Rufus Peace regarding review and revision of complaint.	0.4	100.00	AMN
2/3/2021	Review and edit complaint; prepare summonses; prepare civil cover sheet; file same.	0.5	62.50	JR
2/4/2021	Email correspondence with client regarding complaint and summons.	0.3	54.00	RIP
2/4/2021	Email correspondence with Equity Management regarding service of complaint and summonses.	0.2	25.00	JR
2/8/2021	Telephone call with Equity Management regarding status of service of complaint and summonses.	0.1	12.50	JR
2/8/2021	Reviewed court scheduling order and calendar same.	0.5	62.50	ML

2/11/2021	Email correspondence with client regarding case status.	0.2	36.00	RIP
2/12/2021	Email correspondence with client regarding case status.	0.3	54.00	RIP
2/22/2021	Follow-up with Equity Management regarding service of complaint and summonses; email correspondence with client regarding same; conduct legal research regarding partial service.	0.5	90.00	RIP
2/23/2021	Email correspondence with client regarding case status.	0.2	36.00	RIP
3/11/2021	Begin to prepare Motion for Order of Default and brief in support.	0.6	75.00	JR
3/11/2021	Review notice of service for Brett Mauri; email correspondence with client regarding same.	0.3	54.00	RIP
3/12/2021	Prepare proofs of service for defendants and file same.	0.3	37.50	JR
3/23/2021	Legal research regarding Federal Rule 55 and "otherwise defend" threshold.	0.4	50.00	JR
3/23/2021	Prepare brief in support of motion for default and proposed order.	0.5	62.50	JR
3/24/2021	Follow-up with defendant Brett Mauri's potential attorney.	0.3	54.00	RIP
3/24/2021	Continue to prepare brief in support of motion for default and proposed order.	0.7	87.50	JR
3/25/2021	Complete various pleadings regarding entry of default file same with the court.	1.6	288.00	RIP
4/2/2021	Prepare Affidavit of Attorney's Fees and Costs.	0.8	100.00	JR
4/2/2021	Review and revise Affidavit of Attorney's Fees and Costs.	0.5	90.00	RIP
	TOTAL		3543.50	

COSTS

Date	Cost	Value
2/4/2021	Payment to US District Court, District of Montana for complaint filing fee.	402.00
3/2/2021	Payment to Equity Process Management, invoice #SC655811.	35.00
3/2/2021	Payment to Equity Process Management, invoice #SC655911.	35.00
3/24/2021	Payment to Equity Process Management, invoice #SC655711.	65.00
	TOTAL	537.00

ANTICIPATED ADDITIONAL ATTORNEY FEES

	Cost	Value
	Processing Default Judgement Paperwork	360.00

TOTAL: \$4,440.50

Timekeepers:

- Aaron M. Neilson, attorney (AMN)
- Rufus I. Peace, attorney (RIP)
- Jane Rasmussen, paralegal (JR)
- Melissa Lentz, paralegal (ML)

DATED this 7th day of April, 2021.

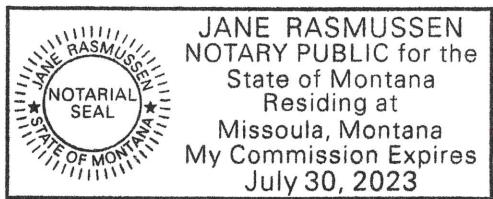
CHRISTIAN, SAMSON & BASKETT, PLLC



Rufus I. Peace
Attorney for Plaintiff

SUBSCRIBED AND SWORN TO before me this 7th day of April, 2021, by

Rufus I. Peace.




Jane Rasmussen
Notary Public for the State of Montana

(Notarial Seal)